



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

June 14, 2006

TO: Washington State Board of Health Members

FROM: Keith Higman, WSBOH Member

**SUBJECT: REQUEST FOR RULE MAKING, CHAPTER 246-390 WAC:
DRINKING WATER LABORATORY CERTIFICATION**

Background and Summary

The Washington State Board of Health has authority under RCW 43.20.050(2)(a)(ii) to adopt rules to assure safe and reliable public drinking water by setting drinking water quality standards, monitoring requirements, and laboratory certification requirements. The Board has adopted requirements for drinking water laboratory certification under chapter 246-390 WAC. The existing rules designate implementation to the Department of Health (DOH). These rules must be at least as stringent as U.S. Environmental Protection Agency (EPA) standards for the state to retain its primacy role for enforcing federal requirements under the Safe Drinking Water Act.

In November 2002, DOH and the Department of Ecology (Ecology) established a cooperative program for certifying drinking water laboratories under a memorandum of understanding. Under this agreement, Ecology carries out the evaluation and certification of drinking water laboratories, while DOH maintains an oversight role through an annual review of the Ecology program. A primary function of the DOH annual review is to assure that EPA primacy requirements for state drinking water programs are met. Ecology has adopted rules for certifying drinking water laboratories. However, the Ecology rules do not contain provisions specifying reporting requirements of laboratory results to DOH. Reporting of the laboratory results to DOH in an efficient and timely manner could improve DOH's ability to assure the public is protected.

DOH is requesting the initiation of rule making to revise chapter 246-390 WAC to remove duplication with Ecology drinking water laboratory certification rules; establish requirements for consistent and reliable reporting of laboratory sample analysis results to DOH; and rename the chapter to match the new function of the rules. Gregg Grunenfelder, Assistant Secretary for the DOH Environmental Health Division, is here to explain this DOH request. Please refer to materials behind Tab 12.

Recommended Board Action

I recommend the Board consider the following motion:

Motion: The Board directs the executive director to initiate rule making, in conjunction with the Department of Health, by filing a CR-101 for the purpose of revising chapter 246-390 WAC, Drinking Water Laboratory Certification. The Board requests the Department to develop a rule proposal with the goals of ensuring efficient certification of drinking water laboratories in cooperation with other state agencies; ensuring efficient and timely reporting of laboratory results to the Department regarding public drinking water supply systems; and maintaining state primacy for enforcement of the federal Safe Drinking Water Act.